



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/623,496	07/22/2003	Naohiro Tabata	O3020.0348/P348	6350

24998 7590 12/13/2006

DICKSTEIN SHAPIRO LLP  
1825 EYE STREET NW  
Washington, DC 20006-5403

EXAMINER
----------

LIEW, ALEX KOK SOON

ART UNIT	PAPER NUMBER
----------	--------------

2624

DATE MAILED: 12/13/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/623,496

Applicant(s)

TABATA, NAOHIRO

Examiner

Alex Liew

Art Unit

2624

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 22 July 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-6 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-6 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 22 July 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

**DETAILED ACTION**

***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1 – 6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Konen (US pat no 6,922,478) in view of Kinjo (US pub no 2002/0015514).

With regards to claim 1, Konen discloses a dishonest registration preventive apparatus in a personal authentication system, which collates as image obtained by photographing of a person with a beforehand registered image to authenticate the person on the basis of results of the collation, the apparatus comprising

detection means for detecting positions of a predetermine part of the person from a plurality of images acquired by consecutively photographing the predetermined part (see fig 1 – S110 and S130 – to calculate any difference in position of an object one must know the initial and ending position of said object),

calculation means for calculating a variation between a position at this time and a position at the last time for a second position and subsequent positions, which are detected by the detection means (see fig 1 – 130) and

determination means for comparing a variation calculated by the calculation means with a predetermined threshold to determine an image at this time as a verifiable image when the variation does not amount to the threshold and to determine the image at this time as an unverifiable image when the variation exceeds the threshold (see fig 1 – S130 and col. 9 lines 53 – 60 – when the amount of change is above the predetermined threshold value the person as performed an intrinsic movement, which leads to col. 10 lines 18 – 26 – the authenticity can be recorded, vice versa, when the amount of change is below the predetermined threshold value the person did not performed an intrinsic movement).

But fails to disclose storage means for registering and storing images. It is well known to store initial scan biometric images such as the face, eyes or fingerprint for registration. For example, Kinjo discloses a method to register a human face image by storing the face image into the system's storage medium (see paragraph 206). It would have been obvious to one having ordinary skill in the art at the time of the invention was made to include storage means for registering and storing images because to use these for identifying a n individual trying to access a secure area to prevent trespassers from entering.

With regards to claim 2, Konen discloses a dishonest registration preventive apparatus according to claim 1, wherein the determination means determines the image at this time to be unresgistrable when the variation calculated by the calculation means is over

Art Unit: 2624

the threshold and determines that those images among the plurality of images, which are acquired subsequent to this image at this time having been determined to be unregistrable, are all unregistrable (see col. 10 lines 22 – 26 – when all the images are unverifiable then it can not be process to be a registered image).

With regards to claims 3 and 5, see the rationale and rejection for claim 1.

With regards to claims 4 and 6, see the rationale and rejection for claim 2.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alex Liew whose telephone number is (571)272-8623.

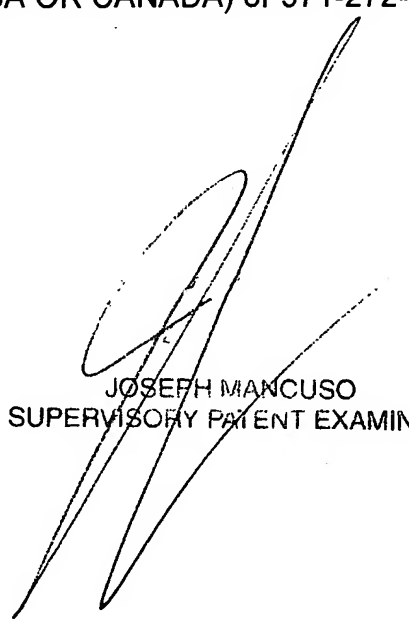
The examiner can normally be reached on 9:30AM - 7:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph Mancuso can be reached on (571)272-7695. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2624

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

**Alex Liew**  
**AU2624**  
**12/4/06**



JOSEPH MANCUSO  
SUPERVISORY PATENT EXAMINER